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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DARREL C. OLDS, JR.,

Petitioner,

v.

WASHINGTON STATE DEPARTMENT OF  
CORRECTIONS, *et al.*,

Respondents.

Case No. C08-5612 FDB/KLS

ORDER DENYING MOTION FOR  
THE APPOINTMENT OF COUNSEL

This 28 U.S.C. § 2254 petition has been assigned to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S. C. § 636(b)(1) and Local MJR 3 and 4. Petitioner has filed a motion for the appointment of counsel in this habeas proceeding. Dkt. # 5. Having reviewed Petitioner's motion, the Court finds, for the reasons set forth below, that it should be denied.

There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary hearing is required, because the action is civil, not criminal, in nature. See *Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v. Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section 2254 Cases in the United States

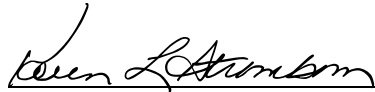
1 District Courts. An evidentiary hearing has not been granted in this case. Petitioner's motion is  
2 also premature as the Court has not yet ruled on his motion for leave to proceed *in forma pauperis*,  
3 and has not yet reviewed whether the claims in his petition are adequately set forth and articulated.

4 Dkt. # 1.

5 Accordingly, Petitioner's motion for the appointment of counsel (Dkt. # 5) is **DENIED**.

6 The Clerk is directed to send copies of this order to Petitioner.

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8 DATED this 17th day of November, 2008.

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12 Karen L. Strombom  
13 United States Magistrate Judge  
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